

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SHERRY HUFFMAN, on her own behalf  
and on behalf of all others similarly situated,

Plaintiff,

-against-

**09 CIV. 5245**

**JUDGE ROBINSON**  
**CLASS ACTION COMPLAINT**

JURY TRIAL DEMANDED

ASSOCIATED CREDITORS EXCHANGE, INC.

Defendant.  
-----X

Plaintiff, by and through her undersigned attorney, alleges upon knowledge as to herself and her own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

**PRELIMINARY STATEMENT**

1. Plaintiff brings this action on her own behalf and on behalf of all others similarly situated for damages and declaratory and injunctive relief arising from the defendant's violation of §1692 *et. seq.* of Title 15 of the United States Code, the Fair Debt Collections Practices Act (hereinafter "FDCPA"), which prohibits debt collectors within the meaning of 15 U.S.C. § 1692a(6) from engaging in abusive, deceptive and unfair practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331. This is an action for violation of 15 U.S.C. § 1692.

3. Venue is proper in this district under 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff Sherry Huffman (hereinafter "Huffman") is a resident of the State of New York, Rockland County. On or about December 2, 2008, plaintiff received and came into contact with a collection letter from defendant at plaintiff's home address. Exhibit A.

5. Defendant Associated Creditors Exchange, Inc. is an Arizona Corporation.

6. Its Registered Agent is National Registered Agents, Inc., 875 Avenue of the Americas, Suite 501, New York, New York 10001. Defendant attempts to collect debts alleged to be due another.

CLASS ACTION ALLEGATIONS

7. Plaintiff brings this action as a nationwide class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure (hereinafter "FRCP"), on behalf of herself and all consumers who have received debt collection notices and/or letters from the defendant which are in violation of the FDCPA, as indicated in paragraphs numbered 16-18, and their successors in interest (the "Class"). Excluded from the Class is the defendant herein, and any person, firm, trust, corporation, or other entity related to or affiliated with the defendant, including, without

limitation, persons who are officers, directors, employees, associates or partners of Associated Creditors Exchange, Inc.

8. This action is properly maintained as a class action. This Class satisfies all the requirements of Rule 23 for maintaining a class action.

9. The Class is so numerous that joinder of all members is impracticable. Upon information and belief, dozens of persons have received debt collection notices from the defendant which violate various provisions of the FDCPA.

10. There are questions of law and fact which are common to the Class and which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:

a. Whether the defendant violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e, 1692e(10), 1692g(a)(3), 1692g(a)(4) and 1692g(a)(5).

b. Whether plaintiff and the Class have been injured by the defendant's conduct;

c. Whether plaintiff and the Class have sustained damages and are entitled to restitution as a result of defendant's wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and

d. Whether plaintiff and the Class are entitled to declaratory and/or injunctive relief.

11. Plaintiff's claims are typical of the claims of the Class, and plaintiff has no interests

adverse or antagonistic to the interests of other members of the Class.

12. Plaintiff will fairly and adequately protect the interests of the Class and has retained experienced counsel, competent in the prosecution of class action litigation.

13. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

14. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a class action the Class members will continue to suffer losses of statutorily protected rights as well as monetary damages and if defendant's conduct will proceed without remedy it will continue to reap and retain the proceeds of its ill-gotten gains.

15. Defendant has acted on grounds generally applicable to the entire Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

STATEMENT OF FACTS

16. Starting on or about December 2, 2008, defendant mailed a collection letter dated December 2, 2008 to Sherry Huffman. The letter demanded payment of a previously disputed debt allegedly owed by plaintiff to Good Samaritan. The letter failed to include the thirty day dispute notice mandated by 15 U.S.C. § 1692g. Exhibit A.

FIRST CAUSE OF ACTION

17. Each of the above allegations is incorporated herein.
18. The collection letter violated numerous provisions of the FDCPA by failing to notify the consumer of her right to dispute the validity of the debt and the right to demand verification of the debt as provided by 15 U.S.C. § 1692g(a)(3), 1692g(a)(4) and 1692g(a)(5).
19. As a result of defendant's abusive, deceptive and unfair debt collection practices, plaintiff has been damaged.

**WHEREFORE**, plaintiff respectfully requests that the Court enter judgment as follows:

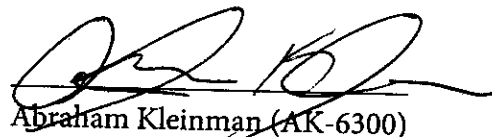
- a) Declaring that this action is properly maintainable as a class action and certifying plaintiff as Class representative;
- b) Awarding plaintiff statutory damages;
- c) Awarding class members the maximum statutory damages;
- d) Awarding plaintiff and the class costs of this action, including reasonable attorneys' fees and expenses; and
- e. Awarding plaintiff and the class such other and further relief as the Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the FRCP, plaintiff hereby demands a trial by jury.

Dated: June 1, 2009

Uniondale, New York



Abraham Kleinman (AK-6300)

KLEINMAN LLC

626 RXR Plaza

Uniondale, New York 11556-0626

Telephone (516) 522-2621

Facsimile (888) 522-1692



**ACE**  
**ASSOCIATED CREDITORS EXCHANGE, INC.**  
6151 N. HARLEM AVE SUITE 201  
CHICAGO, IL 60656-3610

Date: December 02, 2008  
Client: GOOD SAMARITAN  
File #: 320689-4  
Client Acct #: 0074664  
Principal Balance: \$1,500.00  
Accrued Interest: \$0.00  
Total Due: \$1,500.00

S20089-4-1-723  
SHERRY HUFFMAN  
SHERRY HUFFMAN  
232 Kearsney Pkwy. Apt 3  
Roosevelt NY 10952-2266

ASSOCIATED CREDITORS EXCHANGE, INC.  
P.O. BOX 33130  
PHOENIX, AZ 85067-3130  
14074-0113

✂ Cut Coupon Above & Return With Your Payment ✂

## Attention Settlement Notification

Our client, GOOD SAMARITAN, has placed your account with us as a collection item. GOOD SAMARITAN and Associated Creditors Exchange recognize hard times and are willing to work with you on your financial obligation. Therefore, in cooperation with GOOD SAMARITAN, we have the authorization to negotiate a full and complete settlement on the above listed account.

You could qualify for a discount to resolve this debt once and for all.

This is a limited time offer, please call today and speak to one of our settlement specialists and work out a plan that is right for you.

PLEASE  
DO NOT PASS UP THIS  
OPPORTUNITY!!  
CALL TODAY  
(800)-894-6832 FAX/TEL-775-5388 KENDALL JOSEPH

This is an attempt to collect a debt and any information obtained will be used for that purpose.  
Pursuant to 15 U.S.C. §1692E(1), please be advised that this communication is from a debt collector.

Our web site address is: [www.ace-collects.com](http://www.ace-collects.com)

Mon-Fri: 8:00 am - 7:00 pm, Wed-Thur: 6:30 am - 3:00 pm  
Fri: 6:00 am - 3:00 pm

ASSOCIATED CREDITORS EXCHANGE, INC. • P.O. BOX 33130 • PHOENIX, AZ 85067  
6151 N. HARLEM AVE SUITE 201 • CHICAGO, IL 60656-3610  
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14074-0113-723